

Criminal Justice Services Board

September 10, 2009

Members Present

Sheriff Beth Arthur
Mr. Barry Green (Vice-Chairman)
The Honorable Robert L. Bushnell
Mr. Jeffrey Dion
Ms. Helen Fahey
The Honorable Sherman Carl Vaughn, Sr.
Lt. Jerri Smith
Chief James R. Lavinder
Ms. Danielle Ferguson
The Honorable Clarence N. Jenkins
Mr. Edward M. Macon
Ms. Cookie Scott
The Honorable Marlene Randall
Dr. Jay Malcan
Mr. Jonathan McGrady
Colonel W. Steve Flaherty
Sergeant Charles Condon
Mr. Walter A. McFarlane
Chief A.M. "Jake" Jacocks
Sheriff Charles W. Phelps
Mr. Alan Katz (proxy for Marla Decker)
Mr. Kevin S. Hodges
Mr. Christopher R. Webb
The Honorable Marcus D. Williams
The Honorable Jackson H. Miller

Members Absent

Mr. Kenneth Bynum
The Honorable Beverly Sherwood
The Honorable Kenneth W. Stolle
The Honorable Janet D. Howell

DCJS Staff Present

Leonard G. Cooke
B.J. Northington
Priscilla Bowers
Loretta Lynch
John Colligan
Leon Baker
Gayle Turner
Fran Ecker
Tim Paul
Mandie Patterson
Laurel Marks
Demian Futterman
Dan Catley
Heather Black
Ashaki McNeil
Kathi Lee
Shelia Anderson
Butch Johnstone
Marsha Dietz

Guests Present

George Haudricourt
Thomas Von Hemert
Beth Camphouse
Charles Martin

Call to Order

Chairwoman Arthur called the meeting to order at 11:00 a.m. and welcomed everyone to the meeting. She then reminded guests that a sign-in sheet was located at the front entrance and asked individuals to please sign in for the purpose of the minutes, including DCJS staff.

Chairwoman Arthur reminded Board members to please state their name when making a motion and when seconding, to please speak clearly for the purpose of the minutes and to ensure that their microphone was turned on at their seating area. She further reminded staff and persons speaking from the floor to please step up to the podium when speaking so that the microphone would pick up their voice for the purpose of the minutes.

Chairwoman Arthur then asked Priscilla Bowers to take the roll. Ms. Bowers proceeded with roll call and stated that there was a quorum with 25 members present. Chairwoman Arthur thanked Board members for attending the meeting today and also thanked those individuals who were sitting in as proxies for representatives of the Board: Mr. Alan Katz, proxy for Ms. Marla Decker).

Chairwoman Arthur mentioned that we had two new board members who were appointed by the Governor. **Judge Clarence N. Jenkins, Jr.**, Richmond Circuit Court, 13th Judicial Court, replacement for the position of “At Large Member” (representative of the Judiciary) which became vacant in November, 2008 by Judge Yeatts. Judge Jenkins was present and Chairwoman Arthur asked the Board to join her in welcoming him. She then asked if he had anything he would like to say to the Board and the audience. Judge Jenkins thanked the Board for their welcome and stated that he was happy to be appointed to serve on the Board.

Chairwoman Arthur further mentioned that **Mr. Kenneth Bynum** of Bynum and Jenkins Law Firm, Alexandria, Va. was appointed as the replacement for the position of “At Large Member” representing crime victims’ interests which became vacant in June, 2009 as a result of the resignation of Ms. Nancy St. Clair Finch. Mr. Bynum was unable to be here with us today.

Chairwoman Arthur recognized Ms. Nancy St. Clair Finch in the audience and asked her to approach the podium. She then stated that effective June 16th Ms. Finch resigned from the Board after serving a four year term. She then thanked Ms. Finch for her service to the Board and the various Subcommittees and read a certificate of resolution for her service to this Board. Chairwoman Arthur then asked the Board and the audience to join her in thanking Ms. Finch for her service. The Board and the audience joined in and applauded. She then asked Ms. Finch if she would like to say a few words. Ms. Finch then thanked the Governor for her appointment to the Board, she acknowledged and thanked Director Cooke, Chairwoman Arthur, Board members and staff and stated that she enjoyed working with the Board and staff during her tenure. Chairwoman Arthur thanked Ms. Finch for her words.

Chairwoman Arthur then thanked Director Cooke and the department for their efforts in attempting to fine-tune the condensing of the grant summary documents via a web-based system. She asked members to provide any feedback to Priscilla Bowers, and stated that this would be

the format for future grant summary materials being sent to the Board. She said the department continues to ask for members' patience as the department continues to work out the kinks of this program to become more efficient in providing these materials to members via a web-based system. She also noted that if anyone was unable to access, review or print any of the grant information, Ms. Bowers had a few sets of the grant material for their use.

Chairwoman Arthur mentioned that as a result of new legislation passed by the General Assembly in 2009 enabling the Executive Committee to hear Administrative Hearings in lieu of the full Board, the Executive Committee would hold an **Administrative Hearing** after the business of the Board: The Department of Criminal Justice Services vs. Ms. Millie S. Sparks. She stated that the Hearing was scheduled to begin at 1:00 p.m. in House Room "D" and would be an open public hearing.

Chairwoman Arthur stated for the Board's information, that The Executive Committee consisted of the following members: The Honorable Bob Bushnell, Mr. Kevin Hodges, Chief James Lavinder, Ms. N.H. Cookie Scott, the Honorable Marcus Williams, Mr. Barry Green and herself.

Approval of Minutes

Chairwoman Arthur then called for corrections, deletions or additions to the minutes of the June 11, 2009 Criminal Justice Services Board meeting. Mr. Green stated that in the minutes there were a few instances where he was listed as Chair instead of Vice-Chair and asked that the correction be made to the minutes for consistency. There were no further corrections, additions or deletions to the minutes. Mr. Vaughn then made a motion that the minutes be approved with corrections, as noted. Mr. Dion seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the minutes of the June 11 meeting with minor corrections.

Director's Report

Chairwoman Arthur called upon Director Leonard Cooke to give a brief Director's Report. Director Cooke welcomed everyone to the meeting and thanked Board members for taking the time to be present.

New Members/Departing Member

Director Cooke welcomed Judge Clarence Jenkins and stated that he was excited to have him as part of the Board and that he looks forward to working with him. He also welcomed Mr. Kenneth Bynum in his absence. He informed Judge Jenkins to feel free to contact DCJS staff at any time should he have questions or need information about the Board or DCJS. He also thanked Ms. Nancy Finch for her participation in the Board's work, and wished her well.

Coming Events

Director Cooke mentioned that the Board's next meeting would be on December 10 and that in connection with that meeting, the agency was planning another series of "Blueprints" workshops the day before. He said that these sessions would be held in meeting rooms in the Capitol.

Director Cooke further mentioned that staff was still in the process of identifying topics and that they were looking at the issues and concerns that came out of the focus groups that were convened for the agency's criminal justice plan, as well as issues we have heard about from more recent contact with our various constituents. He said; further details would be passed on as soon as possible, but for now, he encouraged members to hold the date of December 9.

Director Cooke advised that in addition to the Blueprints sessions the day before the December board meeting, there would also be a training session for the Board on Conflict of Interest immediately following the December meeting. Mr. James Hopper, Senior Assistant Attorney General and Chief of the Financial Law and Government Support Section would provide the training. This training will take about an hour and a half and will meet the mandatory training requirement. He asked members to plan on attending.

The Budget

Director Cooke mentioned that the condition of the state budget for this fiscal year has gotten increasingly dire over the course of the summer. The latest forecast indicates state revenues for this fiscal year will be over one billion dollars below what was projected when the budget was adopted. He said; Governor Kaine announced on Tuesday that he has directed agencies throughout state government to make reductions totaling more than \$1.35 billion in order to keep expenditures in line with projected revenues. At DCJS, there would be reductions in several programs that provide funds to localities, state agencies and other organizations.

Most notable of these are reductions of \$13.6 million in "599" funds to localities with police departments; \$247,000 in funds for offender re-entry services; \$641,000 for regional law enforcement academies; \$134,000 for SRO training; \$45,000 for sexual assault centers; and \$146,000 for Court-Appointed Special Advocate (CASA) programs. Director Cooke reported that the agency was in the process of notifying affected recipients and programs about the reductions.

He said; the largest of those groups, the 176 recipients of "599" funds, could check our website for an updated spreadsheet showing their revised FY'10 allocations and that others would get word from our staff, either by e-mail or phone call.

Director Cooke mentioned that the agency would lose 7 fulltime positions and \$520,000 allocated for them. He said; these positions are not filled at this time and that the agency was therefore, not in a situation where we have to implement any layoffs at this time. He noted that these reductions apply to this fiscal year.

Director Cooke further stated that he thought it was safe to assume that when the Governor introduces his proposed budget for the next biennium, these cuts would be carried forward, but we would have to wait and see whether the budget for the new biennium includes reductions beyond what he announced Tuesday.

Second Victim Assistance Academy

Director Cooke stated that the agency held its second Victim Assistance Academy in July and it proved very successful. Thirty victim services providers, advocates and allied professionals were selected for the Academy from 170 applicants. The Academy's curriculum consisted of 45 hours of training over the course of a week in topics that included crisis intervention, domestic violence, cultural competency and stress management. He mentioned that this was the second year in which the agency has held the Academy and that it was funded by a grant from the federal Office for Victims of Crime. This year we partnered with the University of Richmond and judging by the feedback we have received from participants, and from our federal grant monitor, it was very successful and we are hopeful that we will be able to do it again next year.

This concluded Director Cooke's report. Chairwoman Arthur thanked Director Cooke for his report and called for comments or questions. There were none.

Committee Reports

Committee on Training (COT)

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Committee on Training.

Sheriff Phelps reported that the COT met this morning at 9:00 a.m. and two public hearings were conducted. The first hearing was Fast Track Changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Law Enforcement Officers and was presented by Judy Kirkendall. Sheriff Phelps stated that after discussion and review of the changes, the COT approved the suggested changes and asked that changes be brought forth to the CJSB for approval. Sheriff Phelps then made a motion that the Board approve the changes. Chairwoman Arthur called for questions. There were none. She then called for a second. Mr. Hodges seconded the motion.

Recusals: Mr. Edward Macon
 The Honorable Marcus Williams

Chairwoman Arthur stated that had been motioned and seconded that the Board approve the suggested changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Law Enforcement Officers.

Sheriff Phelps reported that the second hearing presented by Ms. Kirkendall was the Fast Track Changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Jail, Court Security, and Civil Process Service Officers. Sheriff Phelps noted that there were no pre-filings. The COT approved the suggested changes and asked that the changes be brought before the CJSB for approval. Sheriff Phelps made a motion that the Board approve the suggested changes.

Chairwoman Arthur called for questions or comments. There were none. She then called for a second motion. Mr. Webb seconded the motion.

Recusals: Mr. Edward Macon

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the suggested changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Jail, Court Security, and Civil Process Service Officers.

Sheriff Phelps continued with his report and mentioned that Steve Clarke, DCJS staff, gave an update on Campus and School Security Training Issues and Donna Bowman, DCJS staff, also gave a brief overview of the Virginia Tech Project and Threat Assessment. Ms. Kirkendall also updated the committee on the ACE System. This concluded Sheriff Phelps report. Chairwoman Arthur thanked Sheriff Phelps for his report and asked if the Board had any questions or comments. There were none.

Presentations

Overview of Agency Performance Measures (Handouts)

Chairwoman Arthur called upon Mr., John Colligan to give a brief report on the agency's Performance Measures. Mr. Colligan gave a brief overview of the various agency performance measures:

Governor's Key Measures

Law Enforcement Training and Education Assistance

Measure: We will provide training and education to criminal justice practitioners and professionals that are rated at or above satisfactory by those attending the training.

Target: Satisfactory assessment by 95% of those attending using the 5 point likert scale.

Financial Assistance for Administration of Justice Services

Measure: We will review quarterly grant reports by agency grant monitors to review progress by grantees toward meeting grant goals.

Target: Review 100% of quarterly grant reports within 45 days of submission to DCJS.

Business Regulatory Services

Measure: DCJS will issue licenses, registrations and certifications for completed applications as quickly as possible.

Target: Issue license, registration, and certifications with 30 days of receipt.

Productivity Measure

Financial Assistance for Administration of Justice Services:

Measure: The cost to award each \$100 of grant funds.

Target: Keep the cost to issue each \$100 of grant funds at or below \$1.25.

Other Agency Measures

Criminal Justice Research, Statistics, Evaluation, and Information Services

Measure: Percentage of criminal justice profiles of Virginia localities published annually.

Target: Complete the publication of all 134 cities and counties criminal justice profiles before the end of the biennium.

Coordination of Asset Seizure and Forfeiture Activities

Measure: The return of assets seized under this program allows localities to provide financial assistance to law enforcement agencies to support the local criminal justice system.

Target: Return proceeds from forfeited assets on average within 30 days of the final submission of a forfeited asset case.

Other agency measures and targets presented were as follows: Financial Assistance for Administration of Justice, Administrative and Support Services, Business Regulation Services and Financial Assistance to Localities Operating Police Departments.

This concluded Mr. Colligan's report. Chairwoman Arthur thanked Mr. Colligan for his report and called for questions or comments. There were none.

Consideration of Grant Applications

Advisory Committee on Juvenile Justice(ACJJ)

Chairwoman Arthur called upon Mr. Charles Martin to give a brief report on the following grants:

Byrne/Justice Assistance Grant (Continuation), Juvenile Accountability Block Grant (Continuation), and Juvenile Justice and Delinquency Prevention Title II Grant (Continuation)

Mr. Martin gave a brief summary of the above grants as follows: The Advisory Committee on Juvenile Justice (ACJJ) met on August 19, 2009, to review the recommendations of the Grants Subcommittee. Three continuation grants were presented to the committee for consideration and all with a different funding stream. The first grant was to the City of Lynchburg being funded through Byrne/JAG funds. The second one to the University of Virginia, is funded through Juvenile Accountability Block Grant (JABG) funds. The third one, to DCJS, is funded through Title II funds.

Mr. Martin reported that the ACJJ recommends fully funding the Byrne/JAG grant, the JABG grant, and the Title II grant at the reduced amount as shown in Board member summaries.

Chairwoman Arthur thanked Mr. Martin for his report and called for questions or comments. There were none. She then called for a motion. Sheriff Phelps made the motion and Ms. Scott seconded the motion.

Recusals: Mr. Barry Green DCJS Grant

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the ACJJ to fund the three grants as stated above.

Law Enforcement Subcommittee

Byrne/Justice Assistance Grants (Byrne/JAG) – Continuation

Chairwoman Arthur called upon Mr. McFarlane to give a brief report on the Byrne/JAG continuation grants.

Mr. McFarlane reported that the Law Enforcement Subcommittee met on August 27, 2009 at the Department of Criminal Justice Services. Subcommittee members present were: Sheriff Phelps, The Honorable Marlene Randall, the Honorable Sherman Vaughn, Mr. Charles Quagliato representing Ms. Marla Decker and himself. Chief Ray Lavinder participated via telephone conference call. Two attempts to teleconference Chief A.J. Jacocks were unsuccessful.

DCJS staff was also present and presented their reviews of 21 grant applications requesting continuation Byrne/JAG funding for projects conducted by local law enforcement agencies, state agencies, community colleges, community services boards, and a regional criminal justice training academy. Staff recommended 18 applications for continuation funding at the requested level or at reduced levels. Program areas recommended for continuation funding included:

- Assessing the Impact of and Responding to the Mentally Ill in the Criminal/Juvenile Justice Systems
- Crime and Delinquency Prevention in Minority/Immigrant Communities
- Criminal Justice System Improvement
- Crisis Intervention Teams
- Recruiting and Retention of Criminal Justice Professionals
- School and Campus Safety
- School Resource Officers

Three applications were recommended for denial:

- One applicant did not provide sufficient budgetary detail or adequately justify the need for continuation funding (Portsmouth Police Department)
- One applicant was unable to initiate its project due to local fiscal issues and did not request any of its awarded funds during the grant period (Stafford County Sheriff's

Office). DCJS will provide a 12-month extension of this project's first year, thereby negating the need for continuation funding

- One application described a project that did not meet grant guidelines under the Recruiting and Retention category (Winchester Police Department). DCJS recommended that the locality submit an application for this project under the appropriate category the next time DCJS announces the availability of Byrne/JAG funding for new projects.

By way of a motion, Mr. McFarlane asked the Board to accept the recommendations of the Subcommittee to award the following amounts in continuation funding as shown in Board member summaries.

- \$852,296 in federal Byrne/JAG funds
- \$284,105 in matching cash funds
- \$1,136,401 in total funding.

Mr. McFarlane then thanked DCJS staff for their work in presenting the materials in an organized and professional manner. He particularly thanked Ms. Kathi Lee for her services.

Chairwoman Arthur thanked Mr. McFarlane for his report and called for comments or questions. There were none. She then called for a second motion. Mr. Barry Green seconded the motion.

Recusals: The Honorable Marcus Williams

James City, Norfolk City,
Newport News, Portsmouth,
Rappahannock Reg., South
Boston, Supreme Court

Mr. Alan Katz
Chief A.M. "Jake" Jacocks
The Honorable Marlene Randall
Sgt. Charles Condon
Mr. Edward Macon

Virginia Beach
Portsmouth
Virginia Beach
Supreme Court

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to fund the grant as stated above.

Criminal Justice Information Systems (CJIS)

Byrne/Justice Assistance Grants (Byrne/JAG)

Chairwoman Arthur called upon Mr. Butch Johnstone to give a brief report on the Byrne/JAG grants.

Mr. Johnstone reported that the CJIS Subcommittee met on August 26, 2009. During the meeting 21 grant applications for continuation funding of criminal history records improvement projects were reviewed and recommendations were prepared for the CJSB. A total of \$574,167 in Federal (Byrne) funds was requested. The CJIS committee recommends funding the 21 projects in the amount of \$530,701 to be matched with \$176,899 of local funds for a total of

\$707,600. Mr. Johnstone reported that the lower recommended amount is the result of adjustments to some requests that remove items not allowed for funding under this program and to limit requests to the amount of the previous year's funding. Additional information was provided in Board member summaries.

Chairwoman Arthur thanked Mr. Johnstone for his report and called for comments or questions. Mr. Bushnell had an inquiry regarding Rockbridge County. Mr. Johnstone answered the question satisfactorily. Chairwoman Arthur then called for a motion. Mr. Hodges made the motion and Lt. Smith seconded the motion.

Recusals:	Colonel Steve Flaherty	Big Stone Gap
	The Honorable Marcus Williams	All Grants
	Chief James Lavinder	Roanoke City

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to fund the grants as stated above.

Internet Crimes Against Children Grant (Byrne/Justice Assistance Grant Recovery Funds)

Chairwoman Arthur called upon Mr. John Colligan to give a brief report on the Internet Crimes Against Children grant.

Mr. Colligan gave a brief report on the Internet Crimes Against Children Grant and stated that this grant is to provide additional support for two regional Internet Crimes Against Children task forces in the Commonwealth. The 2009 Appropriation Act provided \$1.5 million in general fund support for these task forces in FY 2009, but only a minimal amount for FY 2010. A recommendation was sent to the Governor asking that he authorize from unallocated American Recovery and Reinvestment Act (ARRA) funds, the provision of \$257,404 each to the Southern Virginia Internet Crimes Against Children Task Force and the Northern Virginia - D.C. Internet Crimes Against Children Task Force. In addition, it was recommended that the Department of Planning and Budget be allowed to distribute up to \$75,000 of ARRA funding, as appropriate, to address agency costs in administering the requirements of the ARRA.

Mr. Colligan stated that the request was approved by Governor Kaine and therefore being brought to the Board for approval.

Chairwoman Arthur thanked Mr. Colligan for his report and called for comments or questions. There were none. She then called for a motion. Mr. McGrady made the motion and Ms. Ferguson seconded the motion.

Recusals:	Colonel Steve Flaherty
	The Honorable Marcus Williams
	Chief James Lavinder
	Mr. Christopher Webb

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation to fund the grants as stated above.

Old/New Business

Chairwoman Arthur asked the Board if there were any old/new business to be discussed.

New Business

Mr. Bushnell commented on the budget news that Director Cooke gave in his report and stated that he was hopeful that the Board would “think outside of the box” regarding the work of this Board, the hard times and the budget constraints that we are all facing at this time of economic hardship. He then inquired as to whether or not Asset Forfeiture Funds could be used to offset layoffs. Mr. Colligan responded and stated that Asset Forfeiture Funds could only be used for one year to fund a position. Mr. Bushnell then asked that clarification of this information be disseminated to those agencies that use Asset Forfeiture Funds. Sheriff Arthur also inquired as to whether Asset Forfeiture Funds could be rolled over from year to year. Mr. Colligan stated yes. Director Cooke ensured the Board that clarification of this information would be disseminated to all Asset Forfeiture agencies.

There was no further old/new business to be discussed.

Public Comment

Chairwoman Arthur then called for public comment. Mr. Thomas Von Hemert gave a VERY brief informational presentation on Crisis Intervention Teams (CIT). A handout was also given to Board members. Several Board members commented on the program and thanked Mr. Von Hemert for presenting this information and for being a good steward.

Ethics Training

Chairwoman Arthur reminded members of the Board that an Ethics Training session for Board members would be held on December 10, immediately following the normal business of the Board. It was suggested that this training be held as a working lunch.

CJSB Subcommittee Vacancies

Chairwoman Arthur mentioned to the Board that there were several vacancies on various Subcommittees of the CJSB as a result of recent Board member resignations. She said that the agency was looking to fill the following vacancies:

Forfeited Assets Distribution Subcommittee – 1 member
Victims Services Subcommittee – 1 member
Nominations and Appointments Subcommittee – 1 member

Chairwoman Arthur then put out a call to Board members regarding their interest in serving on one of the Subcommittees and asked members to advise either, Priscilla Bowers, Director Cooke or herself of their interest. She further stated that if we did not hear from anyone, that she would appoint individuals to serve.

Next Meeting Date

Chairwoman Arthur mentioned that the next meeting of the Criminal Justice Services Board is scheduled for December 10, 2009. She also mentioned that the “Blueprints” session is scheduled for December 9 and that members were invited to sit in on these sessions.

Chairwoman Arthur mentioned, that included in Board member packets was a list of meeting dates for 2010. She asked that members review these dates, and be prepared to approve the dates at the December meeting. It was requested that the date of May 13 and September 9 be avoided due to state/national events that would create conflicts. Ms. Bowers stated that she would look at other dates for those months and would advise Board members at the December meeting.

Chairwoman Arthur also mentioned that an updated Board member listing was included in Board packets for their information and use.

Administrative Hearing

Chairwoman Arthur reminded the Board that the Executive Committee would conduct an Administrative Hearing immediately following the conclusion of the meeting today: The Department of Criminal Justice Services vs. Millie S. Sparks. She asked that Board members exit the room as soon as possible so that the Executive Committee could proceed with the Administrative Hearing after lunch.

Adjournment

There being no further business to be discussed, Chairwoman Arthur thanked the Board and the audience for attending the meeting today and called for a motion to adjourn. Chief Jacocks made the motion and Ms. Ferguson seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the meeting be adjourned at 12:10 p.m.

Administrative Hearing

At approximately 1:10 p.m. Chairwoman Arthur introduced herself as presiding over the Administrative Hearing and called the hearing to order in the matter of Millie S. Sparks vs. the Department of Criminal Justice Services. She noted that the hearing was delayed due to the arrival of the court reporter. Chairwoman proceeded with the following statement:

Pursuant to Virginia Code §9.1-108.1 & 6VAC 20-250-370 of the Virginia Administrative Code relating to Property and Surety Bail Bondsmen, the Executive Committee of the Board is authorized to conduct an appeal of the findings and decision of the Director with a quorum of the Executive Committee present.

She then asked Ms. Bowers to take the roll. Ms. Bowers called the roll and the following six members of the Executive Committee were present:

Sheriff Beth Arthur (Chairwoman)
The Honorable Robert Bushnell
Chief James Lavinder
Ms. Cookie Scott
Mr. Barry Green (Vice-Chairman)
Mr. Kevin Hodges

Members absent:

The Honorable Marcus Williams

Others Present:

Director Leonard Cooke
Mr. Philip Figura, Assistant Attorney General and Counsel for the Commonwealth
Ms. Ishneila Moore, Assistant Attorney General and Legal Counsel for the Board
Ms. Lynn Aligood, Court Reporter
Priscilla Bowers, Secretary to the CJSB

Individuals Participating via Conference Call:

Mr. Robert M. Galumbeck, Counsel for Ms. Millie S. Sparks
Ms. Millie S. Sparks (Petitioner)

After the roll call for members of the Executive Committee, Sheriff Arthur asked the parties of the hearing to identify themselves for the record. Mr. Philip Figura identified himself as being present. Mr. Robert Galumbeck identified himself as being present via telephone at his request, at this appeal. Mr. Galumbeck also stated that he was awaiting the arrival of Ms. Sparks of which she was to join him via of teleconference.

Chairwoman Arthur then stated that this was an appeal hearing held at the request of Ms. Sparks in accordance with the Administrative Process Act at Virginia Code §2.2-4020 and pursuant to 6 VAC 20-250-370. This hearing is an appeal of the decision of the Director of the Department of Criminal Justice Services to revoke the Bail Bondsman license issued to Ms. Sparks.

Chairwoman Arthur then asked Mr. Galumbeck, Counsel for Ms. Sparks, whether or not he was advised that the Board would review the evidence that was submitted at the Formal Hearing and that no new testimony or information would be considered at this hearing. And; that he would be given an opportunity to respond to any summaries of prior proceedings held in this matter and make a statement to the Board. Mr. Galumbeck stated; yes, this was his understanding of the proceedings today. Chairwoman Arthur stated for the record that Ms. Sparks was properly noticed for the hearing.

Chairwoman Arthur then inquired as to whether Mr. Galumbeck and Mr. Figura had received all of the necessary materials for purposes of this appeal in a reasonable time prior to today. Both parties, replied; yes.

Chairwoman Arthur stated that based on said representations and in accordance with 6VAC 20-250-370, there appears to be adequate notice in this matter and this appeal shall proceed. At this time, Chairwoman Arthur asked Counsel for the Commonwealth, Mr. Figura to give a brief procedural history of the case. Mr. Figura gave his opening statement.

Chairwoman Arthur then asked Mr. Galumbeck to give his presentation of appeal. Mr. Galumbeck presented his statement of appeal. Chairwoman Arthur then asked Executive Committee members if they had any questions for Mr. Galumbeck. There were several questions posed by Board members of which were answered by Mr. Galumbeck.

Chairwoman Arthur then advised Mr. Figura that he could present his statement at this time. Mr. Figura presented his statement. Chairwoman Arthur then asked Executive Committee members if they had any questions for Counsel. Several questions were posed by Board members of which were answered by Mr. Figura.

Chairwoman Arthur then asked Mr. Galumbeck to present his rebuttal. Mr. Galumbeck presented his rebuttal. Chairwoman Arthur then asked Mr. Figura to present his rebuttal. Mr. Figura then presented his rebuttal.

Chairwoman Arthur then asked the Board for a motion to go into Executive Session. Mr. Bob Bushnell made the motion and Mr. Kevin Hodges seconded the motion. It was unanimously agreed that the members of the Executive Committee go into Executive Session. Everyone was asked to leave the room with the exception of the Executive Committee, and Priscilla Bowers, Secretary to the Board.

At approximately 2:47 p.m. the meeting was opened back up with a motion to return to an open session. Mr. Kevin Hodges made the motion and Mr. Barry Green seconded the motion. It was unanimously agreed that the hearing be returned to an open meeting.

Chairwoman Arthur asked Ms. Bowers to take the roll. Ms. Bowers took the roll and stated that there were six members present as follows: Sheriff Arthur, Chief Lavinder, Ms. Scott, Mr. Green, Mr. Bushnell and Mr. Hodges.

Chairwoman Arthur then asked the Executive Committee if there was a motion regarding the revocation of Ms. Spark's license as a Bail Bondsmen?

Mr. Bob Bushnell made the motion and Mr. Barry Green seconded the motion regarding the decision of the Executive Committee. Chairman Arthur then read the statement of the decision as follows: It is the decision of this Executive Committee that the Director's decision regarding Millie S. Sparks vs. the Department of Criminal Justice Services be dismissed. The Executive Committee voted unanimous in reversing the Director's decision. Therefore, the decision of the Department is reversed in all of its findings. The hearing was concluded at 2:50 p.m.

Respectfully submitted,

Priscilla Bowers
CJSB Secretary

Approved by:

Sheriff Beth Arthur, Chairwoman